

House Bill 238

By: Representative Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface-water use, so as to provide for regulation of sludge and waste-water land application systems; to require land application system operators to provide proof of financial ability to cover accidental clean-up costs; to require land application system sites to comply with local zoning ordinances; to prohibit operation of a land application system site during the appeal of a permit revocation or denial; to provide for an effective date; to repeal conflicting laws, and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface-water use, is amended by revising Code Section 12-5-30.3, relating to sludge land application systems, and adding a new Code Section 12-5-30.4 as follows:

"12-5-30.3.

(a) As used in this Code section, the term:

(1) 'Financial responsibility mechanism' means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of sludge land application system sites. Available financial responsibility mechanisms include but are not limited to insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees.

~~(1)~~(2) 'Sludge' means the solid or semisolid residue generated at a waste-water treatment or pretreatment plant. Such term specifically excludes treated effluent, septage, and sludge treated to further reduce pathogens by such processes as composting, heat drying, or heat treating.

(2)(3) 'Sludge land application' means the placement of sludge on or under the ground surface for the purpose of sludge disposal, soil conditioning, or agricultural enhancement.

Such term specifically excludes the disposal of sludge in a permitted landfill.

(b) No person shall operate a sludge land application system without first securing the approval of the director. The director may include this approval and approval requirements in a permit issued under Code Section 12-5-30. Approval for operation of a sludge land application system shall not be granted unless the existence of an adequate financial responsibility mechanism has been provided to the director. Such financial responsibility mechanisms shall ensure the satisfactory maintenance, closure, and postclosure care of such system site and the financial ability to carry out any corrective action which is necessary to ensure compliance with environmental standards after an accident.

(c) The Board of Natural Resources shall adopt technical regulations governing sludge land application and procedural regulations for approval of sludge land application systems, including public notice and public hearing requirements.

(d) A sludge land application site shall be in compliance with the zoning ordinances of the local governing authority in which the site is located as a condition of its state permit and shall include evidence of compliance with the original application.

~~(d)~~(e) The local governing authority in which a sludge land application site is located may assess the generator of the sludge and the owner of the sludge land application site reasonable fees for environmental monitoring of the site and may hire persons to monitor the site. Payment of the assessed fee shall be made prior to the application of sludge. Failure to pay such fees, if assessed, shall be grounds for the local governing authority to seek an injunction to stop the land application of sludge. The provisions of this subsection shall not apply to the land application of sludge which is generated by the treatment of industrial process waste water only.

(f) Operation of a sludge land application system during an appeal of a permit revocation or denial is prohibited.

~~(e)~~(g) Any person who violates this Code section, regulations adopted by the Board of Natural Resources pursuant to this Code section, or any permit or approval requirements of the director issued pursuant to this Code section shall be subject to the civil penalties and the criminal penalties contained in Code Sections 12-5-52 and 12-5-53."

"12-5-30.4.

(a) As used in this Code section, the term:

(1) 'Financial responsibility mechanism' means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of waste-water land application system sites. Available financial responsibility mechanisms

include but are not limited to insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees.

(2) 'Waste water' means water which may contain septage, holding tank, grease trap, sand pit, sanitary sewer, kitchen, or toilet waste or industrial waste from business processes of any commercial or industrial facility. Such term specifically excludes treated effluent, septage, or waste from on-site food processing operations or animal husbandry.

(3) 'Waste-water land application' means the placement of treated waste-water on or under the ground surface for the purpose of waste-water disposal, soil conditioning, or agricultural enhancement. Such term specifically excludes the disposal of waste water in a permitted landfill.

(b) No person shall operate a waste-water land application system without first securing the approval of the director. The director may include this approval and approval requirements in a permit issued under Code Section 12-5-30. Approval for operation of a waste-water land application system shall not be granted unless the existence of an adequate financial responsibility mechanism has been provided to the director. Such financial responsibility mechanisms shall ensure the satisfactory maintenance, closure, and postclosure care of such system site and the financial ability to carry out any corrective action which is necessary to ensure compliance with environmental standards after an accident.

(c) The Board of Natural Resources shall adopt technical regulations governing waste-water land application and procedural regulations for approval of waste-water land application systems, including public notice and public hearing requirements.

(d) A waste-water land application site shall be in compliance with the zoning ordinances of the local governing authority in which the site is located as a condition of its state permit and shall include evidence of compliance with the original application.

(e) The local governing authority in which a waste-water land application site is located may assess the generator of the waste water and the owner of the waste-water land application site reasonable fees for environmental monitoring of the site and may hire persons to monitor the site. Payment of the assessed fee shall be made prior to the application of waste water. Failure to pay such fees, if assessed, shall be grounds for the local governing authority to seek an injunction to stop the land application of waste water. The provisions of this subsection shall not apply to the land application of waste water which is generated by the treatment of food process waste and animal husbandry waste water applied on site at the generating facility or farm only.

(f) Operation of a waste-water land application system during an appeal of a permit revocation or denial is prohibited.

101 **SECTION 2.**103 **SECTION 3.**

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